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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,501	04/13/2004	Varga Zdenek	006511-00001	3282
22910 7590 12/14/2007 BANNER & WITCOFF, LTD. 28 STATE STREET 28th FLOOR BOSTON, MA 02109-9601			EXAMINER SHAH, MILAP	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/823,501	Applicant(s) ZDENEK, VARGA	
	Examiner Milap Shah	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/5/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment received on October 5, 2007. The Examiner acknowledges that claims 1-3 were amended, claims 4 & 5 were added, and no claims were canceled. Therefore, claims 1-5 are currently pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, & 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al. (U.S. Patent Application Publication No. 2003/0003996).

Claim 1: Nguyen et al. disclose the same invention including a complex system for providing a gambling environment based on the application of electronic data transfer in a mobile phone network with automated data processing, the system comprising:

- a mobile phone station associated with a participant (paragraph 0005);
- a mobile phone network provider having a gambling credit system (abstract, note a “telephone call network” and note cash is transferred from a “financial center” that is connected to the telephone call network to either the wireless device or to the casino);
- a gambling provider having a gambling system (abstract, note “casino”, where the casino is the gambling provider that is connected to the phone network and note a gaming machine or gambling system is connected to the gambling provider allowing gambling activities);

wherein the mobile phone station is connected with the gambling credit system of the mobile phone network (abstract and discussed above, where the financial center may transfer cash to the mobile phone, thus the phone must be connected to the gambling credit system), with the gambling system of the gambling provider (abstract and discussed above, where the cash balance may be transferred to a gaming machine, where the gaming machine is considered the “gambling system” allowing typical gambling activities, such as a slots game as described at paragraph 0015), And with a prize and winnings accounting system (abstract, note Nguyen et al. disclose one possible scenario where the cash balance may be transferred to the casino and then from the casino to the gambling system, thus, a user account and system to manage said account is required on the casino side; such a system is also known as a prize and winnings accounting system. Additionally, Nguyen et al. disclose various methods of accounting may be used to manage transactions including cash won, see at least figures 2A-3B, “Summary of Invention”, & paragraphs 0041-0043); and also comprising:

a single-purpose single-action gambling voucher for establishing a gambling credit amount into the gambling credit system (abstract, note the “call data” including the identifying information that requests a cash transfer is considered a single-purpose single-action gambling voucher in a broadest reasonable interpretation as each time a call is placed requesting a transfer the call data is considered to be single-purpose as in that particular call data is used for that particular use only, single-action as in the call data is used specifically to initiate a transfer, and a gambling voucher as the call initiates a transfer of cash for the purpose of gambling).

Claim 2: Nguyen et al. disclose displaying a current account or status of gambling credit and a prize amount at least in the sense that once a transfer takes place the cell phone display shows the results of the transfer and the balance that was transfer, thus, in the situation that said transfer is an initial transfer the total balance would includes the transferred funds or gambling credit and no

additional monies relating to any prizes won yet, where the prize amount is considered a portion of the total account balance (paragraph 0032 & 0041, note: electronic statement displayed on the display of the cell phone).

Claim 4: As described above the "call data" is considered the single-purpose single-action gambling voucher and as disclosed by Nguyen et al., the call data initiates the transfer of cash between the gambling credit system and the wireless device or the casino, thereby requiring a connection with the gambling provider if the casino is indicated as the destination of the funds.

Claim 5: In a broadest reasonable interpretation register may be interpreted as "an entry in a record", and Nguyen et al. disclose a PIN number associated with the mobile phone station is used as part of the call data to enter the transaction to the gambling provider (paragraph 0012).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al., as applied to claims 1, 2, 4, & 5, in view of Walker et al. (U.S. Patent Application Publication No. 2002/0177479).

Claim 3: Nguyen et al. disclose the invention substantially as claimed including the prize and winnings accounting system (i.e. the system that manages a current balance, such as those incorporated within a casino's accounting system including reflecting any prizes won to the current balance) is connected with the gambling credit system (through the network as discussed above, the gambling credit system, such as the financial center is connected to the prize and winnings accounting system since the funds transferred from a player's bank account managed by the

gambling credit system is provided to the player's casino account managed by the prize and winnings accounting system) and the system is configured for permitting a transfer of the prize amount onto the gambling credit (i.e. the gaming machine is considered a slot machine as discussed above, where the slot machines provide prizes directly to the credit balance on the gaming machine, and Nguyen et al. disclose a player initiating a credit return transaction via the slot machine [figure 3], where this credit return includes any prize amounts won, thus the system is configured to permit transfer of prize amounts onto gambling credit). Nguyen et al. also discloses permitting transfer of credits (including any prizes won) back to a participating bank (paragraph 0043).

Nguyen et al. fail to teach or disclose that the system is configured to provide any of the credit balance (including any prizes won) onto a calling or phone card for calling credit. However, Walker et al. disclose a method and apparatus for gaming with a large variety of different types of value payouts. Walker et al. disclose providing a payout in the form of a prepaid phone card redeemable for phone time. Walker et al. provide motivation in that they have recognized that many different types of players would find it appeal to choose a form of payout for a game, including a prepaid phone card redeemable for phone time. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize common knowledge, common skill and the teachings of Walker et al. to modify the Nguyen et al. system to allow payouts of a user's credit balance (including any prizes won) in various forms including a prepaid phone card redeemable for phone time, since it has been recognized that some players find it appealing to have the opportunity to receive their payouts in various forms, thereby increasing the gaming experience.

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Garahi	U.S. Patent Application Publication No. 2001/0034237	Providing a specific service, such as a wagering service to a user through a mobile wireless communications device.
Tanskanen	U.S. Patent Application Publication No. 2001/0039204	Mobile station for use in a betting system.
Garahi et al.	U.S. Patent Application Publication No. 2001/0041612	Cross-platform access to a wagering interface.
Charrin	U.S. Patent No. 6,577,733	Method and system for secure cashless gaming.
Charrin	U.S. Patent No. 6,601,771	Teaches moving funds from casino account to/from bank account.
Planki et al.	U.S. Patent Application Publication No. 2003/0176162	Wireless participation in betting or lottery systems through mobile wireless device.
Tanskanen	U.S. Patent No. 7,163,459	Mobile lottery games over a wireless network using at least a mobile phone device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714

/MBS/